

QUID NOVI

McGill University, Faculty of Law
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NIGHT ^{OF} THE THIEVING CEO



QUID NOVI

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AVENTURES DANS LE MAIN CAMPUS

by Caroline Briand (Law IV)

Je suis présentement inscrite à un cours hors faculté offert par la Faculté des arts et intitulé *Philosophy of Language*.

Un jour alors que j'assistais à ce cours, une autre étudiante vint prendre place à côté de moi. Comme je révisais mes notes, je ne voyais cette personne que du coin de l'œil, lorsque je la vis sortir une bouteille de verre brun à col allongé et la poser sur la table. Surprise, je me suis naïvement étonnée du fait que les étudiants de la faculté des arts soient « relax » au point d'amener de l'alcool en classe.

C'est seulement en me retournant quelques minutes plus tard que j'ai réalisé l'étendue de mon erreur : il ne s'agissait en fait que d'une bouteille de *ginger beer*. Avec un mélange de honte et de soulagement, je me suis sentie rassurée, étant alors en mesure d'effacer l'odieux préjugé selon lequel les « autres étudiants » ne prennent pas autant leurs études au sérieux que « nous ».

Malgré cette heureuse constatation, un certain malaise subsistait, grandissant à chaque fois que l'étudiante en question portait la bouteille opaque à ses lèvres. C'est que, lavage de cerveau juridique oblige, je semble avoir développé un dégoût prononcé pour le *ginger beer*... et de toutes les bestioles avec lesquelles il pourrait être entré en contact. ■

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

COFFEEHOUSE REFERENDUM

– THE YES SIDE

by Andrew Mason (Law III)



On November 7th there will be a referendum on the "Coffeehouse Issue". The Save Coffeehouse Committee asks you to vote YES and to overturn the unilateral changes made to sponsored Coffeehouses by the LSA over the summer.

Why should you vote YES?

Occasionally a proponent of the LSA's policy accuses the Committee of fostering a greedy sense of entitlement to free alcohol at Coffeehouse. This is most definitely not the case. The issue is simple: when a popular tradition is altered the onus should always be on the "reformer" to justify the changes.

We sat through a Town Hall while the LSA attempted to outline the rationale. The Coffeehouse Committee respects the LSA's attempts to improve club Coffeehouses and their attempts to introduce NGOs and smaller firms to the Coffeehouse scene. What the Committee fails to understand is the LSA's rather tortured logic about how these objectives are going to be met by altering the format of sponsored Coffeehouses.

The LSA was unable to give any examples of new firms or non-faculty bodies who were now interested in 'sponsoring' (if the word can

indeed still be used to describe Coffeehouses under the New Order) because of the shift in policy. Torys' was mentioned as a potential example – but as one Town hall attendee astutely noted, Torys' decision to return to McGill Law was influenced by the fact that several of their recent hires were from McGill.

In fact, several of the representatives of the firms that have 'sponsored' Coffeehouses thus far this year have actually reacted with dismay to the LSA's new policy: one rep apologized to the crowd for both the change of policy and the lack of free alcohol, and at a second event a rep felt compelled to purchase some 30-40 beers with her own money. Ouch.

Club Coffeehouse attendance has not changed a bit. We are not beating eager new firms and NGOs off with bats. So what justification can there be for the LSA's Coffeehouse reforms? We have dispensed with the LSA's attempts to justify their actions. We will now explain why students should vote to restore the traditional Coffeehouse format.

There was widespread anger (or, if I am truthful, in most cases there was only rather mild annoyance) at the LSA's decision to move forward with their 'reforms'.

Several students were convinced that the new policy was a joke, literally. Alas, the LSA had the last laugh.

No-one on the LSA was elected to implement the radical Coffeehouse program now in place. The LSA knew this summer that a Committee had been struck to oppose their plans and that this Committee was in contact with some 100 students and alumni (!), who were all also opposed to the changes (or who were at least in favour of a referendum on the matter before a final decision was made). A hundred is a sign of considerable popular discontent, especially when one considers that the Committee contacted students in the middle of the summer – a time when, according to the LSA, it was allegedly impossible for our executive to contact the student body for its opinion on the subject.

Undeterred and heedless of criticism, the LSA courageously donned the twin mantle of absolutism and 'we know best-ism' and plowed ahead with the changes. Though I was assured one week that 'nothing was set in stone' the next I was being told that the changes were 'already set in stone'. The way the LSA went about their changes to Coffeehouse deserves the censure of the student body and the No-

vember 7th referendum is the place to do it.

I feel especially sorry for the current first years who have never experienced the traditional Coffeehouses – though perhaps it is better to not know what you have lost! It was, as rather fancifully described by a friend of mine, an oasis in the week of a law school student. Don't get me wrong, I, like many other students, still attend and enjoy this year's Coffeehouses. But all the while I know that once sponsored Coffeehouses were better attended and arguably better enjoyed – those were the halcyon days when firm rep's didn't need to apologize to our students for the actions of our student executive. Vote YES and let us set it right together: the student body can and will improve club Coffeehouses AND restore traditional sponsored Coffeehouse. ■



LSA MIDTERM REPORTS

President – Kara Morris

As president, I oversee all that the executive does. Two main themes that the executive has been focusing on are community-building, and supporting the well-being of students during their time at McGill Law. I am responsible for keeping the LSA executive motivated and on-track in regard to the diverse activities enjoyed by the student body every year. Some major projects this year have been the reform of Coffeehouse and the lounge renovation. I also maintain a working relationship with the administration of the faculty, which includes weekly meetings with the Dean and attending faculty council meetings. As representative of the Law Students' Association I sit on the Committee for the Coordination for Student Services to help ensure law students are offered the best possible suite of necessary services based on their student services fees. With the lounge renovation reaching completion this fall, I invite students to provide suggestions on what the next long-term project for the LSA should be. Any suggestions, questions, or concerns can be directed to me at president.lsa@mail.mcgill.ca

VP Athletics – Cedric Soule

The first two-weeks of September were dedicated to helping out the Orientation Committee as needed. The last two weeks were spent

organizing and finding sponsorship for the Malpractice Cup, which was well-attended on our side. We even made a \$200 profit, which will go towards Law Games. Since early October, the focus has been on Law Games, finding sponsorship from firms and other companies, getting transport and uniforms organized, and liaising with the Law Games organization in London. The registration drive began Monday October 23rd, and will continue for three weeks. The VP-Athletics portfolio also includes the ordering and dispatching of McGill Law sweaters. The first order was completed last Friday and sweaters are currently being distributed. There will be a final sweater order before the Winter break, with a deadline mid-November. I can be reached at vp-athletics.lsa@mail.mcgill.ca

VP-Administration – Myriam Couillard- Castonguay

As VP-Administration, my tasks consist of administrative matters: I distribute magazines in the faculty, take the messages on the LSA answering machine, sort outgoing and incoming mail and facilitate the coordination between the executive members and their portfolios. The first big task I faced was preparing the call for applications for LSA committees last May and subsequently directing the interview process and the appointment decisions. In addition, I prepare the agenda, take the minutes and administer LSA Council

and also sit on Faculty Council and the Awards Committee. A big part of my responsibilities is sending emails to the student body and dispatching or responding to emails from individual students. My portfolio essentially revolves around daily and routine tasks and necessitates a lot of organization. Any questions? Email vp-admin.lsa@elf.mcgill.ca

VP Academic – Anne Merminod

Chers étudiants,

As VP Academic, I am in charge of representing law students on 9 committees (Comité du Programme, Comité des Examens, Comité de la Bibliothèque, Comité des Prix et Bourses, Comité des Vp-Académiques de l'Université McGill, Conseil de la Faculté, Conseil du LSA, Réunions des exécutifs du LSA, réunions avec Mme la vice-doyenne Bélanger et Mme la doyenne associée Saumier) et je travaille très fort avec toute mon équipe pour atteindre les buts que je me suis fixée pendant ma campagne. Voici sur quoi j'ai travaillé depuis le mois d'Avril dernier.

Law Partners. I matched more than 300 law partners over the summer. I've tried my best to pair students who share similar interests or a common academic background. Many first year students have told me that their upper year law partners are doing an amazing job. Thanks to all of you!

JICP. The Curriculum committee had to decide whether JICP should be a mandatory course in second year. Suite à mon article dans le Quid et dans le Notice Board au début du mois d'octobre et en vue des réponses que nous avons eu des étudiants, des professeurs de JICP et des discussions intra-comité, le Comité du programme a décidé de ne pas forcer les étudiants à prendre le cours en deuxième année. Par contre, plus d'information sera donnée sur le cours JICP, afin d'inciter les étudiants à prendre ce cours le plus tôt possible, sans toutefois leur imposer cette démarche.

Easier Registration process. The SAO will have its own website in the beginning of November. You will be able to find all the information you want on registration. It will be available in html format to make access to the information easier. You will also find a new document with all the pre-requisites for every class. The Curriculum Committee is also looking into setting up a waiting list for more courses. Please send me an email if you have an opinion on the matter.

New Professors. This year the Recruitment Committee will hire 4-5 full time professors.

Teaching Excellence Award. Every year, the LSA presents one professor at the Faculty with the John W. Durnford Teaching Excellence Award. I encourage you to nominate one of your

professors for the 2005-2006 award. Please fill out the nomination form to the designated envelope located on the bulletin board outside the LSA Office by 16h00 on Wednesday, November 15, 2005.

Prizes and Scholarship.

Many students receive a scholarship or prize during their studies. I encourage you to apply!

http://www.law.mcgill.ca/undergraduate/scholar_continuing-en.htm

Library. Comme énoncé lors de ma campagne, je fais tout mon possible pour que les heures d'ouverture de la Bibliothèque soient prolongées. Comme toutes les bibliothèques du campus sont sous la tutelle et le financement de l'Université McGill, la Faculté de Droit n'a pas le pouvoir d'augmenter les heures d'ouvertures de la bibliothèque sans l'aval de l'Université. Le comité de la bibliothèque, en collaboration avec VP-PR et VP-Admin travaillent très fort pour trouver une source de financement extérieure. Nous allons bientôt faire une étude de marché afin de montrer à nos potentiels financeurs que le besoin d'augmenter les heures d'ouverture est réel. N'hésitez surtout pas à m'envoyer un courriel, si vous avez un avis là-dessus.

Wellbeing in the Faculty.

La liste des notes sur le tableau, autrefois appelé « wall of shame » a été abolie. Un effort particulier est également mis pour obtenir une plus grande uniformité entre les sections d'un même cours et que le système de notation soit plus transparent. Je travaille

également en étroite collaboration avec le Comité du Wellbeing qui fait un excellent travail afin de réduire les sources de notre stress à tous. Une session d'information pour les étudiants de première année sera aussi organisée pour donner de l'information sur la période d'examen et un pamphlet de « study tips » est en création. Je vous invite d'ailleurs à me les envoyer.

Please do not hesitate to contact me if you have any questions or concerns.

Anne Merminod VP-Académique

Law Student Association/
Association Étudiante de
Droit
vp-
academic.lsa@elf.mcgill.ca

VP Finance – Cassandra Brown

As VP Finance, I administer the 2006-2007 LSA budget. This budget consists of your student fees, the student fees held in trust for various other purposes (Innocence McGill, Journal of Sustainable Development, Research Facilities), sponsorship money and revenue from events at the faculty. It also consists of the capital budget, used to jointly finance the lounge, which is currently under renovation and will open for students this Fall. Some of the specific things that I have spent time on include:

Monitoring investments of LSA
Helping to plan Orientation budget and tracking all spending related to this event
Preparing preliminary operating budget for the LSA

2006-2007

Working with clubs to resolve any outstanding funding/expense issues from last year

Invoicing all sponsors to date for 2006-2007

Administering all trust funds that are submitted to the LSA (student fees)

Working with various members of the community to plan individual events

Accounting for all Coffeehouse revenues from

drink/club fundraising sales

Paying all monthly expenses of the association (phones, electricity, etc.)

Preparing projections/forecasts of revenues for certain clubs, groups and events

Reimbursing students for expenses submitted to the association

Contacting members of the

Computers Committee to plan 2006-2007 meetings

Sitting on Dean's Discretionary Fund committee

Please feel free to send me an email at

cassandra.brown@mail.mcgill.ca if you have any questions or comments about my job, LSA finances, reimbursements or anything else that you think is relevant.

VP Public Relations – Claude Lévesque

The portfolio of the VP-Public Relations (VP-PR) is divided between helping to promote activities to students and securing sponsorship from various actors for these activities. This year as VP-PR, I have decided to change the approach used to solicit funding from law firms. The approach I have used is one of relationship-building between the firms and the LSA. By taking the time to meet with representatives of the firms and talk-

ing about each others needs, I have been able to create opportunities advantageous for all parties.

At the beginning of my mandate, I had the objective of raising sponsorship by 15% from \$49 000 to just above \$56 000. By the time this will be published, I will have raised \$65 000. This success is due to the approach I have used and to the new Coffeehouse policy. This new money will help pay for new equipment (like the new sound system and a new television for the lounge); for more Speakers' Series (expert panels and discussions); for maintaining (and likely increasing) the human rights bursaries, and much more. In the next few months, interesting announcements should be made regarding sponsorship.

If you have any questions, don't hesitate to contact me at vp-pr.lsa@mail.mcgill.ca

VP External – Erica Martin

My portfolio this year has been a grab-bag of activities, representing the LSA outside of the faculty in different capacities. I've met with the reps of other law faculties at CADED, coordinated with the Concordia Fine Art Students Associations to secure art for the swanky new lounge, sent a letter of condolence to the Dawson Student Union on behalf of the LSA, invited NGO's to LSA events, coordinated meetings with the Student Society of McGill University (SSMU) to distribute Clubs Funding, and much more. A big part of my portfolio is trying to keep law students linked up

to the rest of McGill by posting on various events around the faculty, sending opportunities for involvement on Notice, distributing information on lower campus, and inviting McGill services to the atrium to talk to law students. I am also the Law Rep to SSMU council (and I sit on the External Affairs committee). I am always looking for feedback on how best to represent you! Let me know at vp-external.lsa@mail.mcgill.ca

VP Internal – Hilary Johnson

My major projects this year have been overseeing the Orientation Committee and making Coffeehouse happen every week. The final Orientation Ball was the most successful yet, taking place at the Montreal Museum of Fine Arts. So far we have had many fun and successful Clubs coffeehouses where the variety of food, drink and activities has improved significantly over last year. Other upcoming events include a loonie line for Centraide and a Remembrance Day ceremony. I am always looking for volunteers for coffeehouse; if you are interested in helping out, email me at vp-internal.lsa@mail.mcgill.ca

VP Clubs & Services – Stéphanie Bachand

En tant que VP Clubs & Services, une grande partie de mon temps est consacrée aux clubs et autres groupes étudiants. Dès la première semaine de cours, j'ai organisé une **rencontre d'information et d'échanges** avec les représentants des divers clubs. J'insiste sur le mot

échange : essentiellement, je suis là pour vous, alors n'hésitez pas à me faire parvenir n'importe quelle suggestion, opinion, demande spéciale... Then I organized **Club's day** on September 13: more than 30 clubs were there to present their projects and recruit new members, as well as the CDO and some services from lower campus. For two hours, the Atrium was boiling with dynamism and energy... Je me suis ensuite occupée de **l'inscription des clubs**, en collectant les formulaires, listes de membres et constitutions et en m'assurant que tous aient un statut « officiel ». Il y a présentement 34 clubs et groupes étudiants dans la Faculté, sans compter ceux qui sont encore au stade de « projet »... J'aimerais remercier tous ceux qui investissent temps et énergie dans les divers clubs, et encourager tous les étudiants à profiter au maximum de la vie étudiante à la faculté en s'impliquant dans un club ou autre groupe étudiant. Je vous invite à consulter le site Internet du LSA pour mieux connaître les divers clubs et leurs responsables. Si vous voulez mettre sur pied un club, il n'est pas trop tard – contactez-moi!

After registration was done, it was time to collect and analyze funding requests for the Clubs' fund – the main source of funding for clubs. Through this fund, \$11 000 is allocated to LSA clubs during the year, \$5 000 coming from the LSA and \$6 000 from the SSMU. Decisions are made by the Parity Committee, composed of four executive members of both students' association. With so many interesting

projects and limited resources, decisions are not easy to make. In total, around \$18 000 (!) was requested by LSA clubs for the first semester – we allocated around \$7 000. As a matter of making decisions transparent, I wrote every club a letter explaining what they got funding for, and most importantly, on which basis decisions were made. J'ai aussi commencé à mettre sur pied une banque de *sources de financement alternatives* sur le site Internet des clubs. Je vous encourage à la consulter, à l'utiliser et à me proposer toute autre source de financement que vous connaissez. Il est important de rendre l'information le plus accessible possible, pour s'assurer que tous les projets que vous avez puissent être réalisés.

I also sit on the Dean's Discretionary Fund committee, which is composed of two LSA executive members and two LSA council members. The DDF seeks to support both individual students and groups of students who undertake the organization of an event or activity for the benefit of the McGill Law community. Applications are analyzed on a rolling basis – I encourage you to apply at any time if you plan on organizing an event! Projects funded so far this year include: Disorientation Handbook, John Humphrey's Workshop series and Racial Profiling Conference.

Je m'occupe aussi d'assigner les coffeehouses des clubs et je suis à leur disposition pour l'organisation et la tenue de leur coffeehouse – une occasion par laquelle ils peuvent non seulement

amasser des fonds, mais aussi faire connaître leurs activités aux membres de la Faculté. Jusqu'à maintenant, les coffeehouses des clubs ont été un réel succès : de nombreux étudiants et professeurs ont pu profiter de ce moment pour échanger, rire et mieux se connaître dans une ambiance des plus agréables – musique, boissons spéciales, nourriture et autres activités (limbo, twister, jeux, tirages, etc.) étaient au rendez-vous. Merci au *Human Rights Working Group*, *Black Law Students Association* et *McGill Health Law Publication*! J'ai aussi aidé à l'organisation du coffeehouse tenu par le *Centre de développement professionnel* et le *McGill Law Young Alumni Association* la semaine dernière, qui fut lui aussi un succès. Pour connaître les hôtes des prochains coffeehouses, je vous invite à consulter le calendrier des événements de la Faculté.

Other day to day tasks include keeping in touch with club representatives and the student body in general. I assist students in starting new clubs or finding one that fits their interests. I make sure the clubs' website is up-to-date. I meet with clubs representatives to discuss funding issues or other issues. I do my best to assist them – if necessary – to organize any project. Je crois aussi qu'il est important d'accorder aux clubs la place qui leur revient en leur offrant de collaborer avec l'AÉD pour la mise sur pied de divers projets. Un exemple? Plusieurs étudiants étant concernés par la quantité de tasses jetables gaspillées,

l'AÉD a demandé à *Environmental Law McGill* de négocier avec Pino pour que les personnes ayant leur propre tasse aient un rabais. Quelques jours plus tard, cette mesure était en place : amenez votre propre tasse et obtenez 0,10\$ de rabais! Cet exemple démontre que la collaboration entre l'AÉD et les clubs peut être efficace et bénéfique pour l'ensemble des étudiants... et notre environnement!

Another project that has kept me very busy during the first weeks of school is the **Bogenda**. It is (finally) ready! Come pick it up at the LSA office, along with your personalized Copy Nova member card (for rebates on photocopies, printings, etc.) and a rebate book for various discounts in Montreal! Sorry for the long wait – technical and printing problems aside, it was a lot of work! I spent many hours in the first weeks of school taking pictures, scanning pictures, formatting pictures, collecting contact info, putting together information about clubs, services, LSA...and more! Thanks to everyone who helped out! The Bogenda will soon be available online on the LSA website.

N'hésitez pas à me contacter pour toute question, commentaire ou suggestion : vp-clubs.lsa@mcgill.ca ■

ERRATUM: In last week's edition, Angus MacLean Rennie (Law I) was not properly credited for his article on the Court Challenges Program. So here it is, people. The Mystery of the Anonymous Writer is solved at last!

REFERENDUM RUSE?

Back to the Board for SSMU

by Eric van Eyken (Law I)

"A buses of authority by a student society executive, in an attempt to manipulate the council and the voting public should not be tolerated. The purpose of a referendum is to solicit the will of the voters. If that will is somehow tainted by a biased question or by procedural irregularities, then the legitimacy of the referendum is called into question."

So opens Joshua Krane's application to the Students' Society of McGill University's Judicial Board. Approached in early October about an alleged violation of the SSMU constitution and their contractual obligations, Mr. Krane, Senior Advocate with Student Advocacy has waded through SSMU and FEUQ by-laws, old decisions of the Judicial Board, the Clarity Act, the SSMU Constitution, and principles enunciated by Elections Canada in order to build his argument.

As the L1 who brought the case to Mr. Krane, I've had the opportunity to witness first-hand some of the principles enunciated in class applied to the world around us.

Starting with the SSMU constitution, I've seen how we're asking the Judicial Board to "read-in" the concept of neutrality to the SSMU constitution's article on referenda questions, which only textually demands clarity and precision. In asking a clause to be read-in we're essentially

saying that the word has always been there. In essence, a neutral question posed by a quasi-legislative body is part of the principles of fundamental democracy that such a body has a mandate to follow. Just think, is a referendum question valid if it's based upon argumentation rather than fact? Should a representative body be able to sway voters in a referendum question, or should they be required to campaign on an issue, rather than have questions framed to carry their point for them?

A second interesting issue to arise from this case is that of a relational contract between the two parties at question in the referenda, the SSMU and the Fédération étudiante universitaire du Québec. I've learned that the contract is not simply a piece of paper, but rather a legal relationship that exists between two parties, the "paper contract" is simply evidence of its existence. In this relationship, SSMU has been paying a membership fee to the FEUQ for 5 years in exchange for successful lobbying efforts (improvements to student aid, international students off campus work opportunities, investment in youth projects) towards the provincial and federal governments. In FEUQ's by-laws, there are notice and procedural requirements for ending the contractual relationship, but SSMU has failed to follow those, thinking it only has to follow its

own electoral bylaws (which I allege it hasn't). Mr. Krane advocates that the FEUQ and SSMU bylaws must be read to be overlapping (as they do not contradict themselves), and that SSMU has an obligation to follow its contractual obligations as outlined in the FEUQ by-laws.

This case will be going forward to a judicial board; as soon as one is appointed. While a J-board should be appointed by an outgoing SSMU executive, that hasn't occurred. This allows SSMU to appoint its own justices to hear this specific case! While most McGill law students probably believe in principles of fundamental justice and that law is intangible, SSMU could attempt to appoint justices who believe in more of a textual interpretation of a constitution and a disregard for unwritten contracts.

SSMU should hopefully be appointing a J-board to hear this case soon. Students interested in seeing law interpreted at the university student governance level should come by and watch the proceedings unfold. I'll let students know on Notice as soon as a date's been found. Those interested in voicing their disapproval with SSMU on this issue should vote online starting Friday Nov 3 at www.electionsmcgill.ca/vote. ■

THE SUNSHINE ARTICLE

by Alison Glaser (Law II)

Well geez I am tired. I handed in my legal meth on Wednesday, my civil law obs paper on Friday. And now I am done. Except that I kind of ignored my other subjects this week. You know what I could really use? A week off!!!!

Yes people, today's sunshine article is a rant on our lack of a midterm break in the first semester. This is fueled by two things: first, I sit on the Committee on Student Affairs which has the mandate to approve the calendar of dates. The other day at the meeting I suggested that we begin to look at the reasons behind why our school year is set up the way it is. This got me a lot of flack from the rest of the committee. Secondly, Bishop's University just got a midterm break in the fall. U de M also has a midterm break. I find this sucky (for us obviously).

Here are the reasons why our school year is the way it is:

We must have a 13-week semester and each course is supposed to have 39 hours of contact time. Since in regular McGill almost all courses are worth 3 credits, and all courses have one hour of teaching time per credit, then most courses meet 3 times a week for thirteen weeks. Also, regular McGill is set up so that you either have a course for one hour every Monday-Wednesday-Friday or for an hour and a half every Tues-

day-Thursday. Then, we must have 12 weekdays available for the examination period, and exams can only take place at 9 am or at 2 pm (i.e.: there is no possibility of night exams). In the winter semester, exams must end before May 1st as the University does not want students to have to pay for another month's rent. Finally, all statutory holidays must be taken off. These things are all non-negotiable.

In making the schedule, the rules are as follows:

We start after Labour Day. We have one day between exams and the last day of classes. We finish by the 22nd of December, and start up after the 2nd of January. However, these things only come into effect if they can be implemented *without affecting the other priorities*. Thus, if in order to get the appropriate number of Monday-Wednesday-Friday classes we need to start before Labour Day or on January 2nd. *That is ok!* If we need more days, then exams can last *until December 23rd*! This is obviously very troubling, especially to those who generally go away somewhere during the Winter Break.

How do I know this, you ask? Back in 2003 I worked for the Dean of Students' office. One of my jobs was to create the calendar of dates until the year 2011, and so of course I had to know what the priorities were. Incidentally, I was the

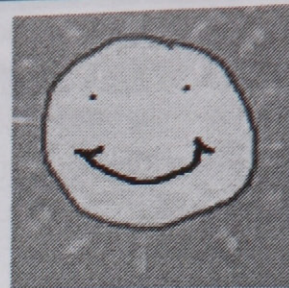
one who suggested the whole Tuesday turning into Monday thing. Now I know that everyone hates it – but to be fair, I actually suggested we do that on the last day of the semester so it would be more optional. Regardless, the alternative was beginning school before Labour Day or ending exams on Dec 23rd, and so I decided that this was a better option.

Why am I telling you all of this? Because I think that the list of priorities has some fundamental flaws. Consider this story my Zaidie tells: he once visited a welding factory. When he was there he noticed that there were 5 people who had to be there to do some job that clearly only 4 needed to do. He asked them why they needed 5 people and they said "dunno, it says so in regulations". So he went to the boss and he said the same thing "says so in regulations". To cut down a very long story, they finally discovered the reason was that the fifth guy was there to hold the horse so that it wouldn't bolt. So the point of this silly story is to make an analogy. I strongly suspect that the reason we have these priorities is that "it says so in regulations".

I think it is time that we re-examined these priorities, and perhaps include among them a break of some kind in the fall. Perhaps extend the Thanksgiving break by a day or so. I believe that this would be good for student's

mental health. The break could be a good chance to recharge the batteries, catch up on some work, and get mentally and physically ready for the upcoming exam push.

Ok, end of rant. Next week: more sunshine. ■



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WE ARE THE VERY MODEL OF A TRANSSYSTEMIC FACULTY



by Francie Gow (Law III)

This song was first performed at Skit Nite 2006. The lyrics are being published in response to requests from students who heard it at the Halloween Coffeehouse without the benefit of the PowerPoint presentation (it goes a little fast).

To the melody of "I Am the Very Model of a Modern Major General" from Gilbert & Sullivan's *The Pirates of Penzance*.

***We are the very model of a transsystemic faculty
We're told that it's an education of the highest quality
We know the Lords of England and can quote judgments historical
We know each section of the Code in order categorical***

***Although we're not entirely sure what's meant by transsystemia
Our Dean assures us it's the latest trend in academia
Though profs who can define the word are something of a rarity
They pepper our exams with it to build up our dexterity***

***We've managed to cook up a stew of dazzling complexity
Our poor first years are in a state of permanent perplexity
Instead of simply owning up to our split personality
We call ourselves "the model of a transsystemic faculty"***

***But if we want to get our B's we'll have to learn to play along
We really must defend our school through thick and thin, through right and wrong
As long as we are proud of it no one will be the wiser
We'll banish all who dare suggest that it's bull... fertilizer***

***And if you think it won't catch on, I tell you friend, you'd best look out
Our brilliant profs are busy churning transsystemic textbooks out
Soon word will spread around the globe about our new material
(I hear we're going to advertise it on a box of cereal...)***

***All jurists spend their lives in the pursuit of the veridical
McGill grads know the only path to truth is bijuridical
And if you don't believe me you'd be better off at U of T
We're proud to be the model of a transsystemic faculty***

**A RIDDLE TO PONDER: "CALL MY NAME AND I
BREAK. WHAT'S MY NAME?"**



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REVOLT IS DEAD / LONG LIVE MULTICAF THOUGHTFUL DEBATE!

by Alex Herman (Law I)

If it should happen that the men of some one period were agreed upon any such rules, that would prove nothing for the following period; for among democratic nations each new generation is a new people.

Alexis de Tocqueville

In reading Mr. Plessis's article from last week, I was taken by his account of the discussion we both attended upon the state of the Canadian monarchy. The meeting began with an informal introduction by none other than the former archdeacon of Montreal, a card-carrying (and tie-wearing) member of the Monarchist League of Canada. The venerable man, who read from notes scribbled on the back of a torn envelope, spoke in deep tones, recalling at times the Gospel of John, at times Charlton Heston. What could be expected from the Quebec branch of an organization whose pamphlets sport a sparkling image of Harry, Prince of Wales, and whose website offers a send-away model of the Queen's very own red dispatch boxes?

Mr. Plessis's article aptly conveyed the collective sentiments of the fifteen students in the room, halfway between deference and indifference. The archdeacon was certainly from another

era (one of grandparents picking up Prime Ministers from train stations and judges flirting with young women in court rooms) and we all felt that era safely removed from our own. If we failed to criticize his historical references, ranging from the Whitlam crisis in Australia to King Beaudouin of Belgium abdicating for twenty-four hours so that an abortion bill could be passed, it was perhaps because we knew far less on the topic. Perhaps because he reminded us of our grandfathers.

But was he a mere novelty character from some sort of regal cabinet of curiosities? The distance in age and mindset between his generation and our own was so vast even the most opinionated among us refused to offer him more than timid questions. We all sat, motionless on the wooden chairs of Thomson House, and pretended he was a character in a play. We likely thought along the lines of de Tocqueville, whether we knew it or not. But is it right to be quiet and let an institution so removed from our daily lives continue its existence unchallenged?

Earlier generations would have revolted. They would have burned flags, stormed palaces and destroyed the idols. Taking to the streets, whether in Paris, Montreal

or Berkeley, they would march for a cause they were stubborn enough to believe in. Would the law students have joined them? Probably, after considerable debate among their ranks, they would have thrown in their lot with the masses. But not us. Not today. Now, while vestiges of the monarchy live on, unrepresentative to the people of this country, incurring costs of \$35 million a year for the upkeep of Rideau Hall and trips to the tundra taken by the Lieutenant Governor of Manitoba, we prefer to be polite in our questioning, analytical in our reasoning and docile in our reaction. ■

LAW LIMERICK VII

by Francie Gow
(Law III)

Scary movies can
help you remember
The terms you will
need in December
There's no need to
study
Just rent something
bloody
And learn to disgorge
and dismember

by Christopher
Campbell-Durufié
(Law II)

Je fixe un mot que je ne comprends pas, assis parmi les tuiles jaunes à l'odeur d'hôpital. Mais mon textbook ne me protège pas. Le coin de mon oeil voit l'homme qui attend. Immobile et si près de moi, un mur nous sépare. Incommunicabilité de la pauvreté. Un autre parle et je n'arrive qu'à écouter, l'oreille tendue, comme caché parce que n'osant la regarder, la Souffrance. Les manteaux d'hiver froissent et les néons remplissent l'air. Une demi-heure refuse de s'écouler. Je fais semblant de lire, de préparer un lendemain, alors que lui est avachi dans les marches, avec ses bottes et sa tuque. Comme une plante, comme un humain, il attend dans un présent diffus.

Dehors, il fait froid et je me demande où se sont réveillés tous ces gens à l'écart du temps. Adossé au pied du mur, sur le sol puant, je me demande : Vont-ils m'étriper, avec leurs visages si laids ? Ils auraient bien raison de me la partager, cette solitude qui les rassemble ici, nulle part, si tôt. Pour quelques sandwiches, me voici au cœur de la Cité Interdite, devant un spectacle que nul ne doit voir, devant un mal indicible. Des humains conversent entre eux dans une cuisine communautaire et je perds pied. Mon cœur se débat, je cède, je renie l'humanité : je suis le plus vil.

Je remonte vers la lumière et m'enfuis. Sans avoir su leur parler. ■

ROBERT BOURASSA

by William Tetley QC, Professor

Throughout his career Robert Bourassa was the subject of contestation and even today, 10 years after his death, there is strong public opposition over the naming of the commercial street "Park Avenue", in Montreal - "Robert Bourassa Avenue."

The opposition is understandable, because Robert Bourassa never had the charisma of Pierre Elliott Trudeau or René Lévesque but on close inspection, Bourassa was an intriguing personality – a very still water running very deep. He graduated first in law in 1956 from the University of Montreal, yet he made nothing of his legal training. He was completely devoid of vanity, but completely dedicated to politics. He had a full-time barber because, while having his haircut at the Ritz Hotel, he had once been criticized for the way his hair had looked on TV the evening before. He hired the barber's assistant on the spot. The assistant, who was a ju jitsu expert, also acted as a bodyguard and file clerk.

Bourassa had a chauffeur, as well, because he never learned to drive, and because he believed, in any event, that driving was a waste of time. He lived in the old Imperial Hotel in Quebec City when first elected as an MNA in 1966 and continued on when he became Premier of Quebec in 1970. The rate was \$8.00 per night and he only moved out during the Octo-

ber Crisis of 1970 when the Sûreté du Québec, who were guarding him, refused to live in the hotel, because it was far beneath their dignity and the scale granted them, under their collective agreement.

It will be remembered that Bourassa won the nomination for leadership of the Quebec Liberal Party in 1970 against Pierre Laporte and Claude Wagner. Pierre Laporte came on to the stage after the vote, shook hands with Bourassa and promised his support. Wagner, who was extremely imperious, neither came on the stage, nor promised support, but next week a meeting was arranged at Bourassa's hotel room. Wagner had posed as the poor boy, the servant of the people, but he was thunderstruck when he saw Bourassa's hotel room with a bed, one chair, a sink and a small bathroom.

Wagner had the choice of the bed or the chair to sit on. There was no reconciliation of the two leaders and afterward Bourassa told me the story privately, but such stories never came out from him publicly. He was a private person and respected the privacy even of his opponents.

Trudeau once described Bourassa as "un mangeur de hot dogs". It is true Bourassa could eat five hot dogs for lunch, but in the evening he dined with staff, colleagues and friends at about 11:00 p.m. in the

Café d'Europe, which had the finest cuisine and wines. He was also a very generous host and each year he and his wife had the whole caucus to a dinner dance in a private country hotel at his expense.

Bourassa had little wealth of his own and had actually been born and brought up in his working class, Montreal East-end riding. In his desire for transparency Bourassa had decided to have all ministers declare their assets in detail and to put those assets above a certain value in trust, in order to avoid any conflict of interest. We were the first government in Canada, either provincial or federal, to adopt such a law and Peter Lougheed, the Premier of Alberta, telephoned me to complain. I had known Peter in the practice of law and he said, "Bill, can't you get Bourassa to water it down?" But Bourassa went ahead anyway. One minister owned a shopping centre and others had large accumulations of stocks and bonds, but Bourassa was under the limit even to declare, to the amazement and dismay of the Parti Québécois.

Bourassa had great political sense, but he could be wrong like all of us. We brought down the language law – Bill 22 – in 1974 and it properly promoted bilingualism. At about 11:30 in the evening of the day we had deposited the Bill in the house, I met Bourassa walking in the garden of the National Assembly. I was troubled by the fact that we had put both language and education in the same bill. The 11:00 p.m. TV News had been terribly critical

and both the anglophones and the Parti Québécois were against us, but Bourassa was ecstatic. He said: "Bill, vous voyez, nous avons les deux côtés contre nous. Nous allons passer entre les deux." But we did not pass through the middle. We were squashed like ham in a sandwich in the next election in 1976.

Bill 22 protected the French language, while leaving a place for the English language in Quebec, but it was hated by the Parti Québécois because it was a rational compromise of the two confrontational language groups in Quebec. Bill 22 was also misunderstood by the Anglo Quebec population. Even the education provisions were more generous to allophones than the education provisions of Trudeau's Charter of Rights of 1982. But to this day, I can't explain it to anyone, and the two parts of the population are very confrontational over a more radical law – Bill 101.

Despite the language debate, which divided the riding of NDG, my sticking to my position was appreciated, so that in three elections I never lost a poll and never got less than 79% of the vote. More than 80% of the electorate voted and on one occasion 87% voted and I got 87% of that vote. Mind you NDG at that time was like the deep South of the US of forty years ago, solidly Liberal. The riding was lost in 1989 when the candidate vacillated. Vacillation is not appreciated in politics and was not appreciated by either side in NDG. ■

LES AVENTURES DU CAPITAINE CORPORATE AMERICA: «Les cauchemars du Capitaine»

by Laurence Bich-Carrière (Law III)



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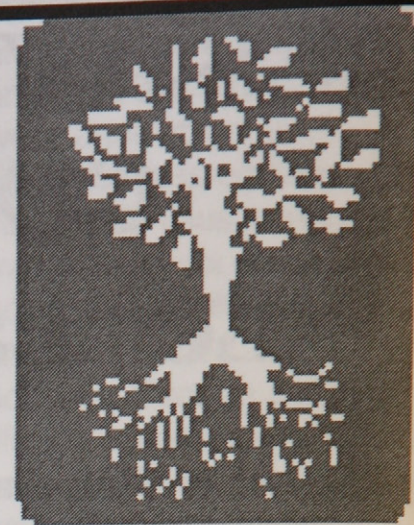
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Barossa Valley, South Australia, SAQ price: \$20

WHAT THE HOLY ROMAN EMPIRE AND CANADA'S CLEAN AIR ACT HAVE IN COMMON....

by Claire Stockwell (Law II)



Voltaire once quipped that the Holy Roman Empire was neither holy nor Roman nor an empire. Of course, anyone on this side of the Atlantic and in my age demographic does not attribute such witticisms to Voltaire but rather Mike Myers' musings in *Coffee Talk with Linda Richman* on Saturday Night Live. If Myers was still with SNL, this week's 'discuss amongst yourselves' topic could easily have been: "Canada's Clean Air Act is neither Canada's, nor Clean, nor an Act. Discuss."

On October 19, 2006, the Conservative government tabled Bill C-30, aka *Canada's Clean Air Act*, and issued a Notice of Intent to Develop and Implement Regulations and Other Measures to Reduce Air Emissions. In a nutshell, they propose to: Regulate fuel consumption in vehicles from the 2011 model year onwards; Impose new or stricter regulations on 30 residential or commercial products (like dishwashers and broilers); and Develop short-term (2010-2015) intensity-based targets and long-term (2050) targets of 45-65% below a 2003 baseline.

'Nutshell,' unfortunately, being the operative word – for a problem that will touch

every facet of Canadian life, I cannot believe that's all she wrote!

Not Canada's... As this is not a subject matter covered in Wills and Estates, I will assume that many of you may not have come across the 'intensity-based' target approach before. Greenhouse gas (GHG) intensity is the ratio between a country's GHG emissions to its GDP – essentially it measures economic efficiency. Having an intensity-based target is essentially like saying that you'll surf the net less in class rather than actually listening more.

The approach was made popular by President Bush when he pulled out of the Kyoto Protocol in 2001. Bush's alternative plan to deal with climate change would yield a reduction of 18% in GHG intensity by 2012. Any good lawyer in discovery would, of course, find that the US GHG intensity had naturally fallen by 16% from 1990 to 2000, a trend expected to continue. Bush's target would therefore only minimal reduce the *growth* in absolute emissions. Canada's economic efficiency has also risen resulting in a 14% drop in GHG intensity from 1990 to 2004. I don't have any projections on trends of GHG intensity for the future

– but I bet I know who does. Watch this space next spring, when the targets are expected to be released – I bet there will be some interesting math...

Nor Clean... I will have long retired from my *brilliant* legal career, before the first real target comes into effect 44 years from now. At first glance, the 45-65% targets may seem close to the 60 to 80% reductions scientists believe are necessary to avoid dangerous climate change, yet the Government hasn't come clean here either. Their targets use a 2003 baseline, while the international community uses 1990 as theirs. In the interstitial Canada's emissions have risen by 24%. I understand the petty partisan desire to do away with previous government policies, but GHG emissions are like some rights – they are absolute and have got to be dealt with.

Nor an Act.... All the proposed plans are just that – proposals. They are intentions that the government is thinking of regulating. Bill C-30 seeks to amend a bunch of Acts into one big one. Seeing as all opposition parties have condemned the Bill and instead support Bill C-288 (a private members' Bill calling for the Implementation of the

Kyoto Protocol), C-30 is unlikely to get past a second reading.

The funny, or sad, thing is – we already have an Act – the Canadian Environmental Protection Act. Last year GHGs were added to the list of toxic substances (Schedule 1), which the Minister can regulate under section 93. Therefore, there is no need to go through extensive public consultations and a lengthy legislative process, we can regulate now! While doing indirectly what you can't do directly in constitutional law is interesting; redoing directly what you can already do directly in environmental law is futile...

Being crowned by the Pope doesn't make you holy and introducing a useless piece of legislation doesn't count as action. Germans can't pretend to be Romans and Harper can't pretend he is doing something. Canadians deserve more than a really bad joke when it comes to action on climate change. ■

Claire Stockwell is a co-coordinator of the Environmental Law McGill, a founding member of the Canadian Youth Climate Coalition and sleeps with a copy of Kyoto Protocol under her pillow.
www.ourclimate.ca

SUDOKU: 'CAUSE WHAT ELSE ARE YA GONNA DO IN CLASS?

October 28th, 2006 Puzzle from www.dailysudoku.com

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		2	6					8
	8					5	7	
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9					1	8		
4			5			6		

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